

REMARKS

Claims 1-11 are pending in this application. For purposes of expedition, claims 1-7 have been amended in several particulars for purposes of clarity and brevity, while Claims 8-11 have been newly added in accordance with current Office policy, to further and alternatively define Applicants' disclosed invention and to assist the Examiner to expedite compact prosecution of the instant application.

The drawings have been objected to because, according to the Examiner, insulative portions, housing 10 must be cross-hatched as such. However, Applicants have reviewed FIG. 1 and FIG. 2, and note that the housing 10 has already been cross-hatched. As a result, Applicants respectfully request that the objection be withdrawn. Alternatively, if other types of cross-hatched need to be addressed, Applicants respectfully request that the Examiner contact Applicants' representative at the below listed number for acceptable changes.

The drawings have also been objected to under 37 C.F.R. §1.83(a) for failing to show the feature "the fixed frame being provided on a yoke of the coil to serve as a support base for the toggle link mechanism" as defined in claim 3. In response thereto, claim 3 has been amended to render the objection moot.

Claims 1-7 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for reasons stated on pages 2-3 of the Office Action (Paper No. 032904). In response thereto, claims 1-7 have been amended in those instances where necessary to address the Examiner's concerns and to overcome the rejection. Therefore, in view of the changes made to claims 1-7, Applicants respectfully request that the rejection of claims 1-7 be withdrawn.

Claims 1-7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rusch, U.S. Patent No. 4,222,019 in view of Brackett et al., U.S. Patent No. 3,602,852 for reasons stated on pages 4-5 of the Office Action (Paper No. 032904). As previously discussed, claims 1-7 have been amended to render the rejection moot. Moreover, neither Rusch, U.S. Patent No. 4,222,019, as a primary reference, nor Brackett, U.S. Patent No. 3,602,852, discloses or suggests a circuit breaker in which a trip lever of a disengaging device is "mounted on a yoke of said coil" (and **not** mounted on a fixed frame of the opening/closing mechanism 8 as shown in FIGs. 1-5) and "separated from a fixed frame" as described on page 3, lines 3-7; and page 5, line 27 extending to page 6, line 13 of Applicants' original specification, also see FIGs. 1-2, and defined in Applicants' claims 1-7. Since the trip lever 23 is mounted on the yoke 30 of the coil 32 in the disengaging device 9 (not mounted on the fixed frame of the opening/closing mechanism 8) so as to enable the trip lever 23 in the disengaging device 9, as shown in FIGs. 1-5, the shock caused at the opening/closing mechanism side 8 during ON-OFF operations can now be transmitted through the case 10. As a result, mistrip, typically occurred when the moving contact is brought into contact with the fixed contact, can be prevented as described in Applicants' original specification.

As a primary reference, Rusch, U.S. Patent No. 4,222,019 only discloses a circuit breaker, as shown in FIG. 1, in which a manually operated lever is used to activate the movable contact lever. There is **no** disclosure of Applicants' claimed "circuit breaker" in which a trip lever of a disengaging device is "mounted on a yoke of said coil" (and **not** mounted on a fixed frame of the opening/closing mechanism 8

as shown in FIGs. 1-5) and "separated from a fixed frame" as defined in Applicants' claims 1-7.

As a secondary reference, Brackett, U.S. Patent No. 3,602,852 does not remedy the noted deficiencies of Rusch, U.S. Patent No. 4,222,019. This is because Brackett '852 only discloses a case assembly for circuit breakers, as shown in FIG. 4 and FIG. 5.

Lastly, claims 1-7 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of co-pending application Serial No. 09/764,289. However, Applicants respectfully request that the rejection be held in abeyance, until the co-pending application Serial No. 09/764,289 is issued. A terminal disclaimer will be submitted to overcome such a rejection in due course.

Claims 8-11 have been newly added to alternatively define Applicants' disclosed invention over the cited prior art. Claims 8-11 are believed to be distinguishable over the cited prior art for the same reasons discussed.

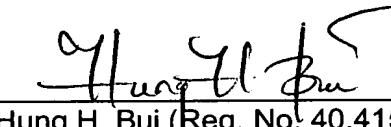
In view of the foregoing amendments, arguments and remarks, all claims 1-11 are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC area office at (703) 312-6600.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage of fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, No. 01-2135 (Application No. 500.39462CX1), and please credit any excess fees to said deposit account.

Respectfully submitted,

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